

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

TEDDY RAYMOND KENNEDY,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-CV-147 ACL
)	
MILLSAP & SINGER, P.C.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Plaintiff has filed a civil suit and seeks leave to proceed in forma pauperis. Plaintiff is granted leave to proceed without payment of the filing fee. Also, the Court will direct plaintiff to show cause why this action should not be dismissed for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3).

Plaintiff alleges that he has been denied mortgage assistance through JP Chase Mortgage, and sues the law firm representing JP Chase Mortgage, defendant Millsap & Singer, P.C. Plaintiff states as the basis for federal question jurisdiction: “Denied mortgage assistance which is through JP Chase Mortgage. Chase takes payment March 19, 2018 of \$2,576.92. Also takes payment April 4, 2018 645.08. May 2018 don’t take payment of \$950.00.” Plaintiff attaches to his complaint a “Notice of Trustee’s Sale,” which states that a foreclosure sale is scheduled for his property on July 5, 2018.

Federal courts are courts of limited jurisdiction. The Court has jurisdiction to hear cases involving the Constitution, laws, or treaties of the United States under 28 U.S.C. § 1331, and the Court can hear cases where diversity jurisdiction exists under 28 U.S.C. § 1332.

The instant action does not arise under the Constitution, laws, or treaties of the United States, so federal question jurisdiction pursuant to 28 U.S.C. § 1331 is inapplicable. Therefore, the Court may only hear this case if diversity jurisdiction exists.

It does not appear that diversity jurisdiction exists because plaintiff and defendant are citizens of the same state and the amount in controversy does not exceed \$75,000. As a result, the Court will order plaintiff to show cause why this action should not be dismissed for lack of jurisdiction.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis is **GRANTED**. [ECF No. 2]

IT IS FURTHER ORDERED that plaintiff must show cause no later than **July 2, 2018**, why this action should not be dismissed.

IT IS FURTHER ORDERED that failure to show cause as directed will result in dismissal of this action for lack of subject matter jurisdiction.

Dated this 27th day of June, 2018.



ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE